



Appeal Decision

Site visit made on 1 July 2025

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/X0415/D/25/3366171

26 Wheatley Way, Chalfont St Peter, Buckinghamshire, SL9 0JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Malone against the decision of Buckinghamshire Council.
 - The application Ref is PL/25/0043/FA.
 - The development proposed is a double storey side and rear extension project. Alterations to existing roof.
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Decision

1. The appeal is allowed and planning permission is granted for a double storey side and rear extension project. Alterations to existing roof at 26 Wheatley Way, Chalfont St Peter, Buckinghamshire, SL9 0JE in accordance with the terms of the application, Ref PL/25/0043/FA and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of Number 27 Wheatley Way, with regards to outlook, daylight and sunlight.

Reasons

3. The appeal property is a two-storey detached dwelling set back from the road behind a garden and parking area and with a long garden to the rear. It is located in a residential area, characterised by the presence of detached single and two storey dwellings set within comfortable garden plots.
4. Dwellings in the area tend to be set back from the road behind gardens and parking areas and have long gardens to the rear. This provides for a green and spacious character, albeit dwellings tend to be located relatively close together, whereby outlooks to the side of dwellings tend to be limited.
5. During my site visit, I observed that numerous dwellings in the area have been altered and/or extended. Such changes generally appear in keeping with host dwellings and their surroundings.
6. I also noted during my site visit that Wheatley Way slopes quite noticeably. This results in a situation where the appeal dwelling sits considerably lower than Number 27 Wheatley Way, next door. Further, the appeal property is located on a

bend in the road such that the rear elevations of Nos 26 and 27 are angled away from one another.

7. Whilst the proposed development would change what is currently a single storey flat-roof extension into a two-storey extension, there would still be a gap to the shared boundary with No 27. During my site visit, I also observed there to be a gap between the side elevation of No 27 and the shared boundary. Consequently, I am mindful that whilst No 27 has a dining room window facing directly towards the side elevation of the appeal dwelling, there would be intervening space between this window and the side of the appeal dwelling.
8. Further, as noted above, No 27 sits higher than the appeal dwelling and I find that this factor together with the space between the two dwellings would mean that whilst there would be change in outlook from No 27's dining room as a result of the proposal, this would not result in any significant harm.
9. Similarly, I note that whilst the proposed development would likely result in a reduction in the amount of daylight and sunlight received through this neighbouring dining room window, the overall impacts of this would not be so significant as to justify the dismissal of this appeal and there is no substantive evidence before me to the contrary. In this regard, I note that, for the reasons above, the dining room window would continue to receive sufficient light and that the room the window serves also receives light from the rear-facing window serving the adjacent kitchen.
10. In the above regard, I am also mindful that whilst dwellings in the area tend to benefit from expansive outlooks to the front and rear, outlooks to the side are generally constrained.
11. Taking all of the above into account, I find that the proposed development would not harm the living conditions of the occupiers of Number 27 Wheatley Way with regards to outlook, sunlight and daylight and would not be contrary to the National Planning Policy Framework; to Policies GC3 and H14 of the Chiltern District Local Plan (1997, as amended and consolidated); to Policy CS20 of the Chiltern District Core Strategy (2011); or to the Council's Residential Extensions and Householder Development Supplementary Planning Document (2013), which together amongst other things, seek to protect residential amenity.

Conditions

12. I have considered the conditions against the tests set out in Paragraph 57 of the Framework. I find that a condition specifying materials is necessary in the interests of local character.
13. A condition preventing the addition of new windows other than those permitted in the flank elevations at first floor level or above is necessary in the interests of protecting the privacy of neighbours.
14. A condition requiring the permitted new windows at first-floor level within the flank elevations to be fitted with obscured glazing and for any of these windows less than 1.7 metres above the floor to be non-opening is necessary in the interests of residential amenity.

Conclusion

15. For the reasons given above, the appeal is successful.

N McGurk

INSPECTOR

**Schedule of Conditions attached to
Appeal Decision APP/X0415/D/25/3366171
26 Wheatley Way, Chalfont St Peter, Buckinghamshire, SL9 0JE**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision;
- 2) The external materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time at first floor level or above in the flank elevations of the extension hereby permitted;
- 4) Before the extension hereby permitted is brought into use, the proposed new window(s) at first first-floor level within the flank elevations of the existing dwellinghouse shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.
